

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

VIRGINIA KATHLEEN PEARSON,

Defendant.

CR 22-08-M-DWM

ORDER

United States Magistrate Judge Kathleen L. DeSoto entered Findings and Recommendation in this matter on April 13, 2022. Neither party objected and therefore they are not entitled to *de novo* review of the record. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).

This Court will review the Findings and Recommendation for clear error.

McDonnell Douglas Corp. v. Commodore Bus. Mach. Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

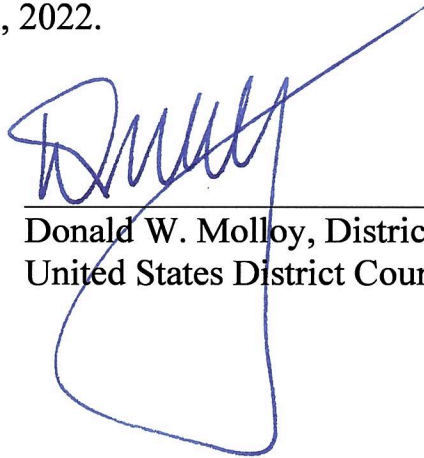
Judge DeSoto recommended this Court accept Virginia Kathleen Pearson’s guilty plea after Pearson appeared before her pursuant to Federal Rule of Criminal

Procedure 11, and entered her plea of guilty to one count of false statements to a government agency in violation of 18 U.S.C. § 1001(a)(2) (Count III), as set forth in the Indictment filed against her. In exchange for Defendant's plea, the United States has agreed to dismiss Counts I, II, and IV of the Indictment.

I find no clear error in Judge DeSoto's Findings and Recommendation (Doc. 22), and I adopt them in full, including the recommendation to defer acceptance of the Plea Agreement until sentencing, when the Court will have reviewed the Plea Agreement and Presentence Investigation Report.

Accordingly, IT IS ORDERED that Virginia Kathleen Pearson's motion to change plea (Doc. 13) is GRANTED. Virginia Kathleen Pearson is adjudged guilty as charged in Count III of the Indictment.

DATED this 5th day of May, 2022.

A handwritten signature in blue ink, appearing to read "Donald W. Molloy", is written over a horizontal line. Below the line, the name and title of the signatory are printed.

Donald W. Molloy, District Judge
United States District Court